

# **WASHINGTON STATE DEPARTMENT OF HEALTH OCCUPATIONAL THERAPY PRACTICE BOARD PUBLIC MEETING MINUTES**

January 19, 2007  
9:00 AM

Auburn School District  
Administration Building, Board Room  
915 Fourth St. NE  
Auburn, WA 98002

(253) 931-4930 - phone

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On January 19, 2007, the Occupational Therapy Practice Board met at Auburn School District, Administration Building, Board Room, 915 Fourth St. NE, Auburn, WA 98002. In accordance with the Open Public Meetings Act, notices were sent to individuals requesting notification of meetings.

## **MEMBERS PRESENT**

MARK LEHNER, OT, CHAIR  
D. JILL PETRIE, COTA, VICE CHAIR  
WENDY HOMES, OT  
MICHELLE MOULTON, PUBLIC MEMBER

## **STAFF PRESENT**

VICKI BROWN, PROGRAM MANAGER 3  
JOY KING, EXECUTIVE DIRECTOR  
DORI JAFFE, AAG ADVISOR  
SANDIE PEARSON, OFFICE ASSISTANT 3

## **GUESTS PRESENT**

JENNIFER TRAUFLER, EXECUTIVE DIRECTOR OF STUDENT SPECIAL SERVICES, AUBURN SCHOOL DIST.  
RHONDA LARSON, ASSISTANT DIRECTOR OF STUDENT SPECIAL SERVICES, AUBURN SCHOOL DIST.

## **Friday, January 19, 2007 – 9:00 AM – OPEN SESSION**

### **1. CALL TO ORDER**

The meeting was called to order at 9:05 am by Mark Lehner, OT, Chair.

- 1.1 Approval of Agenda – The agenda was approved as presented.
- 1.2 Approval of Rule Hearing Minutes from October 6, 2006 – The rule hearing minutes of October 6, 2006 were approved as presented.

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- 1.3 Approval of Meeting Minutes from October 7, 2006 – The meeting minutes of October 7, 2006 were approved as presented.
- 1.4 Approval of Meeting Minutes from November 7, 2006 – The meeting minutes of November 7, 2006 were approved as presented.
- 1.5 Approval of Conference Call Meeting Minutes from November 21, 2006 – The conference call meeting minutes of November 21, 2006 were approved as presented.
- 1.6 Approval of Closed Session Conference Call Meeting Minutes from December 11, 2006 – The closed session conference call meeting minutes of December 11, 2006 were approved as presented.

## **2. ELECTION OF OFFICERS 2007**

2. Mark Lehner was nominated and the board voted unanimously to approve Mr. Lehner as Chair for 2007. Jill Petrie was nominated and the board voted unanimously to approve Ms. Petrie as Vice-Chair for 2007.

## **3. RULES**

WAC 246-847-010 Definitions was accepted as follows:

(1) The following terms in ~~((RCW 18.59.020(2) shall mean))~~ this section apply throughout this chapter and have the following meanings:

(a) "Scientifically based use of purposeful activity" is the treatment of individuals using established methodology based upon the behavioral and biological sciences and includes the therapeutic use of everyday life activities (occupations) with individuals or groups of participation in roles and situations in home, school, workplace, community, and other settings. ~~((analysis, application and adaptation of ((activities for use with individuals having a variety of physical, emotional, cognitive and social disorders)) occupations.))~~ "Occupations" are activities having unique meaning and purpose in an individual's life. ~~((("Use of purposeful activity" is goal-directed and includes a process of continually modifying treatment to meet the changing needs of an individual. ((Purposeful activity is goal-oriented and cannot be routinely prescribed.))))~~

(b) "Teaching daily living skills" is the instruction in daily living skills based upon the evaluation of all the components of the individual's disability and the adaptation or treatment based on the evaluation. ~~((Components of a disability are physical, sensory, social, emotional and cognitive functions.))~~

(c) "Developing prevocational skills and play and avocational capabilities" ~~((is not only the development of prevocational skills and play and avocational capabilities but))~~ also involves the scientifically based use of purposeful activity.

(d) ~~((("Designing, fabricating, or applying selected orthotic and prosthetic devices or selected adaptive equipment" is not specific occupational therapy services if a person designs, fabricates, or applies selected orthotic and prosthetic devices or selected adaptive equipment for an individual if the device or equipment is prescribed or ordered by a health care professional authorized by the laws of the state of Washington to prescribe the device or equipment or direct the design, fabrication, or application of the device or equipment.~~

~~((e)))~~ "Adapting environments for ((the handicapped)) individuals with disabilities" ((includes assessing needs, identifying strategies, implementing strategies, training in and use of strategies, and evaluating outcomes. Occupational therapy focuses on the interaction of an individual's skills and abilities, the features of the environment, and the demands and purposes of activities.

~~(2) ((("Supervision" and "regular consultation" of an occupational therapy assistant by an occupational therapist in RCW 18.59.020(4) and "direct supervision" of a person holding a limited permit by an occupational therapist in RCW 18.59.040(7) shall mean face to face meetings between the occupational therapist and occupational therapy assistant and between the occupational therapist and holder of a limited permit occurring at intervals as determined necessary by the occupational therapist to establish, review, or revise the client's treatment objectives. The meetings shall be documented and the documentation shall be maintained in each client's treatment record. The failure to meet to establish, review, or revise the client's treatment objectives at sufficient intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist's license and/or the occupational therapy assistant's license to practice in the state of Washington and/or the limited permit pursuant to WAC 246-847-160 (4) and (14), 246-847-170 (2) and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.~~

~~(3) "Professional supervision" of an occupational therapy aide in RCW 18.59.020(5) shall mean:~~

~~(a) Documented training by the occupational therapist of the occupational therapy aide in each specific occupational therapy technique for each specific client and the training shall be performed on the client;~~

~~(b) Face to face meetings between the occupational therapy aide and the supervising occupational therapist or an occupational therapy assistant under the direction of the supervising occupational therapist occurring at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once every two weeks; and~~

~~(c) The occupational therapist shall observe the occupational therapy aide perform on the client the specific occupational therapy techniques for which the occupational therapy aide was trained at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once a month.~~

~~The meetings and client contacts shall be documented and the documentation shall be maintained in the client's treatment records. The failure to meet at sufficient intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist's license to practice in the state of Washington pursuant to WAC 246-847-160 (4) and (14), 246-847-170 (2) and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.~~

~~(4) Sections (2) and (3) of this rule shall not be effective until July 1, 1985.~~

~~(5)) "Regular consultation" as described in RCW 18.59.040(4) means in person contact at least monthly by an occupational therapist licensed in the state of Washington with supervision available as needed by other methods which include but are not limited to phone and e-mail.~~

~~(3) "In association" as described in RCW 18.59.040(7) means practicing in a setting in which an occupational therapist licensed in the state of Washington is available on the premises for supervision, consultation, and assistance as needed to provide protection for the client's health, safety and welfare.~~

~~(4) "Direct supervision" as described in RCW 18.59.040(7) means daily, in person contact at the ((+)) site where services are provided by an occupational therapist ((+)) licensed in the state of Washington.~~

~~(5) "Professional supervision" of an occupational therapy aide as described in RCW 18.59.020(5) means in person contact at the ((work)) site where the services are provided a minimum of at least weekly by an occupational therapist or occupational therapy assistant licensed in the state of Washington. If the client receives occupational therapy services more than once weekly, professional supervision must occur at least weekly. If the client receives occupational services once a week or less, professional supervision must occur at least once every two weeks.~~

~~(6) "Clients" include patients, students, and those to whom occupational therapy services are delivered.~~

~~((6)) (7) "Evaluation" is the process of obtaining and interpreting data necessary for treatment, which includes, but is not limited to, planning for and documenting the evaluation process and results. The evaluation data may be gathered through record review, specific observation, interview, and the administration of data collection procedures, which include, but are not limited to, the use of standardized tests, performance checklists, and activities and tasks designed to evaluate specific performance abilities.~~

~~((7)) (8) "Work site" in RCW 18.59.080 means the primary work location.~~

~~((8) "In association" for RCW 18.59.040(7) shall mean practicing in a setting in which another occupational therapist licensed in the state of Washington is available for consultation and assistance as needed to provide protection for the clients' health, safety and welfare.~~

~~(9) One "contact hour" is considered to be fifty minutes.~~

~~(10) "Peer reviewer" shall mean a licensed occupational therapist chosen by the licensee to review the self study plan and verify that the self study activity meets the objectives for peer reviewed self study as defined in WAC 246-847-065.)~~ (9) "Consultation" means that practitioners are expected to function as consultants within the scope of practice appropriate to their level of competence.

(10) "Working days" in RCW 18.59.040(5) shall mean consecutive calendar days.

(11) "Commonly accepted standards for the profession" in RCW 18.59.040(5)(b) and 18.59.070 shall mean having passed the National Board for Certification in Occupational Therapy or its successor/predecessor organization, not having engaged in unprofessional conduct or gross incompetency as established by the board in WAC 246-847-160 for conduct occurring prior to June 11, 1986, and as established in RCW 18.130.180 for conduct occurring on or after June 11, 1986.

(12) "Occupational therapy aide" means a person who is trained by an occupational therapist or occupational therapy assistant to perform ((specifically delegated)) client and non-client tasks. Occupational therapy aides are not primary service providers of occupational therapy in any practice setting. Therefore, occupational therapy aides do not provide skilled occupational therapy services.

(13) "Client-related tasks" are routine tasks during which the aide may interact with the client but does not act as a primary service provider of occupational therapy services. The following factors must be present when an occupational therapist or occupational therapy assistant delegates a selected client-related task to the aide:

- (a) The outcome anticipated for the delegated task is predictable;
- (b) The situation of the client and the environment is stable and will not require that judgment, interpretations, or adaptations be made by the aide;
- (c) The client has demonstrated some previous performance ability in executing the task; and
- (d) The task routine and process have been clearly established.

WAC 246-847-110 Persons exempt from licensure pursuant to RCW 18.59.040(5) was accepted as presented.

WAC 246-847-135 Standards of supervision was accepted as presented.

WAC 246-847-130 Definition of “commonly accepted standards for the profession” was accepted to be repealed.

WAS 246-847-175 Delegation of authority to initiate investigations (draft of new section) was accepted as presented.

**4. PROGRAM REPORT** – Information was provided to the Board by the Program Manager and Executive Director.

4.1 Budget Update/Charts – The Interim Operating Report through November 2006 and budget projections for the entire biennium was provided to the Board.

4.2 Anti-rebating statute

Ms. Jaffe explained that previously a licensed health care provider could not get a kick back on referrals or make a profit by selling products for profit out of their office. With the Wright v. Jeckle decision, a health care provider can now make a profit by selling items out of their office.

4.3 Joint Meeting with Physical Therapy Board – The Board thought that perhaps similar professions should be tabled together at the Board/Commission/Committee meeting.

4.4 Sample of Department of Health surveys – This agenda item was deferred to the April 27, 2007 meeting in Tumwater.

4.5 Other – There was no other information provided to the Board.

**5. FOREIGN TRAINED APPLICANTS** – The Board was updated on the status of the following:

5.1 Foreign trained applicant review form – The Board directed staff to make some minor revisions to the form that they are currently using.

5.2 Oregon’s Occupational Therapy licensing requirements for foreign trained – Staff had contacted Oregon’s Occupational Therapy Board and was advised that they accept the National Board for Certification of Occupational Therapy’s (NBCOT) review and do not require the foreign trained application to submit any additional documentation to them for licensure.

5.3 Social Security Numbers – alternate path – This was provided to the Board for their information only.

6. **GMAP PRESENTATION** - The Board reviewed and discussed the November 2006 Health Professions GMAP presentation to the Governor. Mark Lehner stated he would like to attend the next GMAP presentation to the Governor.

7. **FUTURE AGENDA ITEMS**

Discussion and creation of a board survey

Re-Entry policy, procedure and forms

Rules hearing

Presentations on:

Types of actions

The disciplinary process from the end of investigation to the time of hearing

The role of the board/commission member on a hearing panel

The role of the judges

The role of the investigative service unit

8. **CORRESPONDENCE** – An email question regarding supervision requirements and sensory integration approaches was received on November 9, 2006. A response will be drafted by Wendy Holmes for AAG review and final approval by Mr. Lehner.

9. **OTHER OPEN SESSION BUSINESS** – The board would like staff to contact the Governor's Office regarding individuals who have applied for the vacant board member position.

**OPEN SESSION** – adjourned at 12:20 p.m.

**CLOSED SESSION** – 1:00 p.m.

10. **RE-ENTRY QUALIFICATIONS** – clinical hour requirement – There was a discussion on the number of clinical hours required for re-entry into the profession.

11. **REVIEW OF APPLICATIONS**

Applicant A – Approved

Applicant M (re-entry) – Approved

Applicant N – Approved

Applicant O – Approved

Applicant P – Approved

Applicant Q (re-entry) – Denied

12. **DISCIPLINARY CASE REVIEWS**

There were no disciplinary cases to be reviewed.

**OPEN SESSION** – 2:10 p.m.

13. **ADJORNMENT** – The Board adjourned at 2:10 p.m. with the next meeting scheduled for April 27, 2007, location to be determined.

Respectfully submitted:

Approved:

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Vicki Brown  
Program Manager

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Mark Lehner, OT, Chair  
Occupational Therapy Practice Board